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CITY OF BURIEN

U.S. Department of Homeland Security  
Region X  
130 228th Street, SW  
Bothell, WA 98021-9796



FEMA

July 2, 2013

The Honorable Brian Bennett  
Mayor, City of Burien  
400 SW 152<sup>nd</sup> Street  
Suite 110  
Burien, Washington 98166-1911

IN REPLY REFER TO: APPEAL ACK

Dear Mayor Bennett:

This letter acknowledges receipt of a letter dated June 20, 2013, from Charles "Chip" Davis and Jan Vogee regarding the Preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the city of Burien, King County, Washington, dated February 1, 2013. Mr. Davis and Ms. Vogee submitted scientific and/or technical data in support of an appeal of Letter of Map Revision (LOMR) 11-10-033P being superseded by the new coastal analysis done by Northwest Hydraulic Consultants.

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is considering the request as an appeal because it satisfied the data requirements defined in Title 44, Chapter I, Part 67 of the Code of Federal Regulations and it was submitted during the 90-day appeal period.

FEMA will evaluate the issues raised in the referenced letter(s) and the submitted data. If additional data or information are required to resolve the appeal, FEMA will contact your community. If warranted, FEMA will revise the Preliminary FIRM and FIS report and send revised copies to your office for review.

Until this appeal is resolved, FEMA will not issue a Letter of Final Determination. Therefore, processing of the FIRM and FIS report for your community will be delayed.

FEMA makes Scientific Resolution Panels (SRPs) available to support the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of the appeal. Please refer to the enclosed SRP Fact Sheet for further information.

Mayor Bennett  
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FEMA will evaluate the issues raised in the referenced letter and the submitted data. If additional data or information are required to resolve the comments, FEMA will contact your community. If you have any questions regarding this matter, please contact Ted (Dwight) Perkins of our FEMA staff in Bothell, Washington either by telephone at (425) 487-4684 or email at [dwight.perkins@fema.dhs.gov](mailto:dwight.perkins@fema.dhs.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Carey, Acting". The signature is written in a cursive style.Handwritten initials "MC" in black ink, positioned to the left of the typed name.

Mark Carey, Director  
Mitigation Division

Enclosure: SRP Fact Sheet

cc: ✓Jan Vogege, C.B.O., Floodplain Administrator, City of Burien  
Charles "Chip" Davis, A.I.C.P, Director of Community Development, City of Burien  
Mr. Scott McKinney, State NFIP Coordinator, Washington Dept. of Ecology



FEMA

# Fact Sheet

November 1, 2010

## Scientific Resolution Panels

FEMA's new Scientific Resolution Panel (SRP) process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on Flood Insurance Rate Maps (FIRMs) is built collaboratively using the best science available.

Flood hazards are constantly changing, and as such, FEMA regularly updates FIRMs through several methods to reflect those changes. When changes to the FIRMs are met with conflicting technical and scientific data, an independent third party review of the information may be needed to ensure the FIRMs are updated correctly. The Scientific Resolution Panel will serve as the independent third party.

### Who can request an SRP?

A community, Tribe or political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction can request FEMA use the SRP when conflicting data are presented. Chief Executive Officers or authorized community representatives must make or endorse the SRP request if they did not develop or propose the conflicting technical data.

### When can communities request an SRP?

A community can request an SRP if it has:

- Not received a Letter of Final Determination (LFD);
- Submitted an appeal or protest during the 90-day appeal period with scientific or technical data resulting in different flood hazards than those proposed by FEMA;
- Allowed at least 60 days of community consultation with FEMA (but no more than 120 days)

Additionally, a community that has received a FEMA-issued resolution letter and has not exercised the SRP process will have 30 days from the issuance of the letter to request an SRP. Communities that have submitted appeals or protests, but as of November 1, 2010 have not received an LFD, will have until January 15, 2011, to request an SRP.

### Independent Panel Sponsor

The SRP process is managed by the National Institute of Building Sciences (NIBS), a non-profit organization independent from FEMA. NIBS will act as the Panel Sponsor, coordinating the SRPs, ensuring that proper regulations and procedures are employed and maintaining a cadre of experts from which Panel members are selected.

### Panel Member Selection

For each appeal or protest, an SRP (or Panel) of three or five members will be convened. Panel members are technical experts in surface water hydrology, hydraulics, coastal engineering, and other engineering and scientific fields that relate to the creation of Flood Hazard Maps and Flood Insurance Studies throughout the United States.

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*"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."*

Based on the technical specifications of the appeal or protest, NIBS will develop a list of potential panel members with relevant expertise from its cadre of experts. NIBS will ensure that there is no conflict of interest amongst the panel members. NIBS will confirm that members do not reside in the state from which the appeal or protest is taken and have no personal or professional interest in its findings of the appeal or protest.

NIBS will provide the list of eligible panel members to the community and FEMA. The community selects the majority (in the case of a five-member Panel, the community selects three), and FEMA selects the minority (in the case of a five-member Panel, FEMA selects two).

## The Process

To request an SRP, the Chief Executive Officer of a community or authorized representative completes an SRP Request Form and submits it to FEMA during the time periods outlined above.

Once FEMA confirms the appeal or protest is eligible for an SRP, FEMA will forward the SRP Request form to NIBS to initiate the Panel selection process and develop a list of potential members.

Once the Panel is convened, Panel members will be provided with a summary of the issue, FEMA's data, and the data the community submitted during the 90-day appeal period. Panel member will review the data and, on a point-by-point basis, deliberate and make a decision based on the scientific and technical challenges of the appeal or protest.

If the community feels it is necessary to make an oral presentation in support of its appeal or protest, it must include a justification on the SRP Request Form.

## Resolution

The Panel will render a written recommendation to FEMA, based on the scientific and technical data submitted by the community and FEMA. The recommendation may either deny the community's data or incorporate it in part or in whole into the FIRM. For an appeal or protest to be incorporated, the community's data must satisfy the NFIP standards for flood hazard mapping.

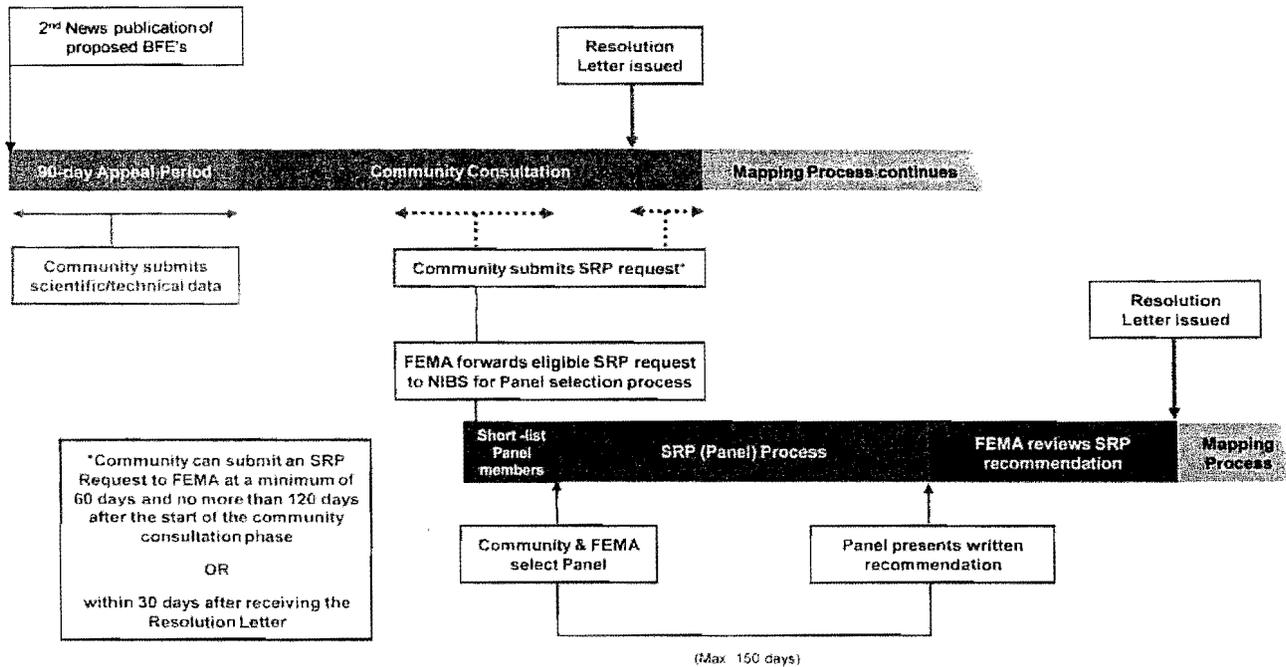
The Panel will present a written report with its decision and rationale to FEMA and the community no later than 150 days after being convened. The SRP's decision will become the recommendation provided to the FEMA Administrator. Once a final determination has been made, FEMA will issue a resolution letter.

If changes to the maps are made, FEMA will incorporate the changes into revised preliminary FIRMs and Flood Insurance Studies. These changes will be made available to the community with a resolution letter for review prior to the issuance of an LFD.

Once a determination is made and a resolution letter is issued, the community will not be able to re-submit an appeal or protest of the proposed flood elevations nor request an SRP again.

For a regulatory appeal, if the community is not satisfied with the recommendation of the Panel or the determination of the FEMA Administrator, it may appeal to the appropriate United States District Court.

## FEMA Flood Mapping Scientific Resolution Panel (SRP) Timeline



### For Additional Information

For more information on appeals, see the FEMA document: *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials*.

Part 67 of the NFIP regulations, which pertains to appeals, is available on the "Forms and Publications" section of FEMA's Flood Hazard Mapping website at [www.fema.gov/fhm](http://www.fema.gov/fhm).

Other Important Links: [www.floodSRP.org](http://www.floodSRP.org) [www.fema.gov/plan/prevent/fhm/st\\_hot.shtm#2](http://www.fema.gov/plan/prevent/fhm/st_hot.shtm#2)

Risk MAP: [www.fema.gov/plan/prevent/fhm/rm\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/rm_main.shtm)

Flood Hazard Mapping: [www.floodmaps.fema.gov](http://www.floodmaps.fema.gov) Flood Insurance: [www.floodsmart.gov](http://www.floodsmart.gov)